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09/630,534	08/03/2000	Michael Kahn	MATP-598US	9590

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,534

Applicant(s)

KAHN, MICHAEL

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because it does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer et al. (US 2003/0066085).

Regarding claim 1, Boyer teaches an apparatus for displaying program guide information on a grid showing a channel axis and a time axis, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission, a method for rapidly accessing the program guide information at a desired new time of transmission comprising displaying a program guide with a calendar on the screen, the user then selects day to view 232 and time of day 230 on the calendar to display the program guide information correspond to the selected day and time to view (see figure 16). Thus, Boyer teaches the method comprising:

displaying the program guide information (time page 218);

placing at least one time selection field 230 or 232 on the display;

highlighting with a cursor the at least one time selection field (highlight day to view on calendar 232 and time of day on 230)

activating the at least one time selection field after the highlighting step (user activate an specific day on the calendar). Boyer further discloses after the user selects a desired day and time to view on the calendar, the new program guide is displayed correspond to the selected day and time to view (see paragraphs 0102-0103). Apparently, the method comprising:

determining a time index in response to the activating step;

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calculating a new time of transmission for display based on the time index;
displaying the program guide information at the new time transmission.

Regarding claim 4, Boyer discloses the programs in program guide listing 220 may be listed beginning with programs that are currently being broadcast. If desired, the closest time slot to the current time may be displayed (see paragraph 0102+). Inherently, Boyer teaches displaying the program guide information at current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission.

Regarding claim 5, Boyer teaches displaying the program guide information at a latest time of transmission, if the calculated new time of transmission is later than the latest time of transmission, the latest time of transmission corresponding to the latest program guide information stored in the apparatus (display only program guide available in memory- see paragraph 0052, line 9+ and day 7th to 21st in figure 16+).

Regarding claim 6, Boyer teaches the apparatus is implement in a set top box 50 (see figure 1).

Regarding claim 7, Boyer teaches the apparatus includes a computer 40 or 46 coupled on a network for receiving program guide information from the network (see figure 1).

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4. Claims 8, 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemmons et al. (US 5,880,768).

Regarding claim 8, Lemmons teaches an apparatus for displaying program guide information on a grid 112 showing a channel axis 108 and a time axis 102, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission, the apparatus comprising:

- a display 84 for displaying the program guide information (see figures 2-3);
- a memory device 76 for storing the program guide information (see figure 2 and col. 8, lines 60-61);
- a processor (control unit 74) for processing software for accessing the program guide information (see col. 7, line 10+ and figure 2), the software including:
 - at least one time selection field (day to view screen 300 in figure 8) for accessing the program guide information at a predetermined time interval from the transmission time display on the display (day to view and time to view);
 - a time index provided in response to the at least one time selection field for determining the predetermined time interval; and a calculator for calculating a new time of transmission for display based on the time index (user highlights day and time to view and then selects "select icon" to display new program guide information, the new program guide information correspond to the selected day a time- see figures 3, 8, 22).

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Regarding claim 10, Lemmons teaches the at least one time selection field includes a day field (306, 308, etc.), and the time index is adapted to provide a 24-hour time index when the day field is selected (see figure 8);

Regarding claim 11, Lemmons teaches the at least one time selection field includes a data field (Sun, Mon, etc.), and the time index is adapted to provide a seven day time index when the date field is selected (user can select day 2, 9, 16, 23 on Sunday column when the program guide information is provided for these days- see figure 8, and col. 16, lines 50-64).

Regarding claim 12, Lemmons teaches the time index includes indexing the at least one time selection field forward in time and backwards in time (see figures 3, 8 and col. 16, line 65+).

Regarding claim 13, Lemmons teaches the calculator limits the program guide information at current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission (the memory 76 preferably stores program schedule information for seven days starting with the current date (for example, February 9-15) and only program information correspond to these days are displayed (see col. 16, line 44+ and figure 16).

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Regarding claim 14, Lemmons teaches the calculator limits displaying the program guide information at a latest time of transmission (Feb 15), if the calculated new time of transmission is later than the latest time of transmission, the latest time of transmission corresponding to the latest program guide information stored in the memory device 76 (see figures 2, 16).

Regarding claim 15, Lemmons teaches the apparatus is a set top box 70 (see figure 2, and col. 7, line 10+).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 2003/0066085).

Regarding claim 2, Boyer teaches a method as discussed in the rejection of claim 1. Boyer further discloses the at least one time selection field includes one of a page filed (user selects early, morning, mid-day, etc. icons to display different page of the program guide- see figure 16), a day field and a date field (day and date on calendar); and the

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day field is adapted to provide a 24 hour time index (8th, 9th, etc.), and the date field is adapted to provided a seven day time index (8th, 15th, etc.) and the page field is adapted to provide a 6 particular time of a day (early, morning, mid-day, afternoon, prime time, latenite- see figure 16). It would have been obvious to one of ordinary skill in the art that the page field is adapted to provide a six-hour time index in order to achieve technical design of the page.

Regarding claim 3, Boyer teaches in view of a well-known technique teaches a method as discussed in the rejection of claim 2. Boyer further teaches activating the at least one time selection field to index forward in time and backwards in time (user uses the forward and backward keys on the remote control to move to a later day or previous day or the highlighted day on the calendar 232- see figure 16).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. (US 5,880,768).

Regarding claim 9, Lemmons teaches an apparatus as discussed in the rejection of claim 8. Lemmons further discloses the page forward and page backward keys are also used for navigating in the program guide display mode (see col. 11, line 8+) and the time to view 304 includes 6 different icons (early, morning, mid-day, afternoon, prime time, latenite) User select particular icon to display program guide information correspond to the selected icon (see figure 8). Thus, each icon read on a page as

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claimed. It would have been obvious to one of ordinary skill in the art that the page field is adapted to provide a six-hour time index in order to achieve technical design of the page.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takahashi et al. (US 2002/0056099) teaches navigating program guide using time fields (today, tomorrow, this week- see figure 6).

Schein et al. (US 6,323,911) teaches navigating program guide using date field 116 (see figure 7B).

Watts et al. (US 5,671,411) teaches method and apparatus of searching an audio/visual programming database using selected criterion having implicit logical operation.

Virden et al. (US 6,057,890) teaches user interface for television schedule system with the future events are paged in time.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Son P. Huynh
July 10, 2003